

BURSOR & FISHER
P.A.

1990 N. CALIFORNIA BLVD
9TH FLOOR
WALNUT CREEK, CA 94596
www.bursor.com

NEAL J. DECKANT
Tel: 925.300.4455
Fax: 925.407.2700
ndeckant@bursor.com

October 30, 2024

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VIA ECF

The Honorable Mary Kay Vyskocil
United States District Court
Southern District of New York
500 Pearl Street, Courtroom 18C
New York, NY 10007

Re: Frost v. Aldi Inc., Case No. 1:24-cv-07095-MKV

Dear Judge Vyskocil:

I represent Plaintiff in the above-referenced matter. I write on behalf of the Parties pursuant to Rules 2(B) and 2(G) of the Court's Individual Rules and Practices in Civil Cases to request that the Court stay this matter pending a decision on the 1407 motion to transfer that is presently in front of the JPML.

Defendant's current response deadline is November 6, 2024 and there are presently no other dates set before the Court. This deadline was previously extended from October 11, 2024 to November 6, 2024 by order of the Court. *See* ECF No. 7.

On October 23, 2024, Plaintiff Maggie Frost, along with Cara Zajac, Lachae Vickers, Ralph Milan, Rajat Dawar, Kevin Smith, Clair Awad, and Matthew Hawkins filed a motion to transfer before the JPML pursuant to 28 U.S.C. 1407. *See In Re: Avocado Oil Marketing and Sales Practices Litigation*, MDL NO. 3133 (*In Re: Avocado Oil*), ECF No. 1 (the "Motion"). Responses to the Motion are due on or before November 15, 2024 and replies are due on or before November 22, 2024. The Motion is not presently set for hearing.

The Parties have met and conferred and agree good cause exists for a stay of this matter pending a decision on the Motion. Absent a stay, Defendant will be required to respond to the Complaint, most likely in the form of a motion to dismiss. It is in the interest of judicial economy and the Parties to allow the JPML to render a decision on the Motion because it will avoid duplicative briefing and the unnecessary use of judicial resources.

Accordingly, the Parties respectfully request the Court enter an order staying this matter pending an order on the Motion. The Parties also request that the Court enter an order setting Defendant's deadline to respond to the complaint for 30 days after any decision from the JPML.

Very truly yours,

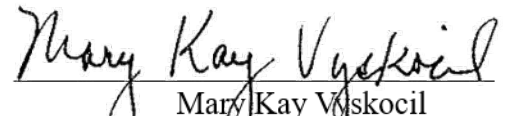


Neal J. Deckant

CC: Leonard F. Lesser, Esq.
Simon Lesser PC
100 Park Avenue
New York, New York 10017
Defendant's Counsel (via email)

The request to stay this case is DENIED. The Court will extend the deadline to answer until January 6, 2025. The parties must file a joint status letter by December 20, 2024.

Date: Nov. 13, 2024
New York, New York


Mary Kay Vyskocil
United States District Judge